

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lee Macklin, et al. Examiner: Jared W. Newton
Serial No.: 10/052,608 Group Art Unit: 3693
Filed: January 18, 2002 Docket No.: 10011295-1
Title: System for and method of web based non-wage compensation

REPLY APPEAL BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer mailed April 11, 2008, Appellants file this Reply Brief in accordance with 37 C.F.R. § 41.41.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

Appellants reiterate some examples below to show that all of the claim elements are not taught in the art.

As one example, claim 1 recites an authorization process “verifying” proper authorization for the disbursement request. The original specification provides numerous examples of verifying authorization. For example, paragraph [0011] gives example verifications as (1) the requestor and the recipient are not the same individual, (2) the requestor has the authority request the compensation, (3) the requested compensation does not exceed the requestor’s approved request amount, etc. Appellants provide these examples to show that the word “verifying” is being used in its plain meaning.

The system in McGurl receives information (disbursement criteria) to process the disbursement request. McGurl does not verify authorization to make the request.

In the Examiner Answer, the examiner argues that the claims must be given their broadest reasonable interpretation. This interpretation, however, is in light of the specification. The specification uses the word “verifying” in accordance with its plain meaning.

Furthermore, the examiner focuses much attention in the Examiner Answer on the meaning of “to authorize.” In response, Appellants respectfully state that **claim 1 also recites “verifying” which has a very different meaning than authorizing.**

As another example, claim 1 an “accounting process.” The original specification provides various examples of the accounting process. For example, paragraph [0023] gives examples of how the accounting module performs accounting services. Thus, the word “accounting” is being used in its plain meaning.

The system in McGurl stores disbursement information in a database. Storing such information in a database is very different than performing an accounting process on the information.

In the Examiner Answer, the examiner discusses the definitions of words, such as “track” and “parameter.” The Examiner Answer, however, does not cite a location or provide a reasonable argument that McGurl teaches an “accounting process” as this term is known to one of ordinary skill in the art when read in light of the specification.

As another example, claim 21 recites that an individual originates the disbursement requests and a determination of approval is required from another

individual different than the individual that originates the request. The examiner argues that “an external application program interface/conversion means 16 constitutes at least one individual” (see Examiner Answer at p. 17). Appellants respectfully disagree.

Appellants acknowledge that claims must be given their broadest interpretation during patent examination. However, this interpretation must be a “**reasonable interpretation consistent with the specification**” (see MPEP 2111: emphasis added). The individuals recited in claim 21 are human beings, and this interpretation is consistent with the original specification. By contrast, the examiner relies on citations in McGurl to apparatus or application programs that are clearly not individuals (i.e., human beings).

As another example, claim 19 recites an authorization module that controls proper authorization. Given the plain meaning of the word “authorization” Kahn does not teach this claim element.

The examiner relies on the back-end-service in Kahn for being the authorization module that controls proper authorization. This argument is flawed because the back-end-service in Kahn does not control authorization. Instead, the back-end-service in Kahn includes rules for calculating the correct amount for disbursement, not controlling proper authorization.

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Respectfully submitted,

/Philip S. Lyren #40,709/

Philip S. Lyren
Reg. No. 40,709
Ph: 832-236-5529